

MINUTES

HOLLISTER PLANNING COMMISSION SPECIAL MEETING

July 16, 2009

Chairman Huboi called the meeting to order at 6:00 p.m.

VERIFICATION OF AGENDA POSTING: The meeting agenda was posted at City Hall on Friday July 10, 2009 at 4:20 pm per Government Code Section 65954.2(a).

PLEDGE OF ALLEGIANCE

ROLL CALL: Present: Commissioners Alvarez, Ross, Torres, Chairman Huboi
Absent: Commissioner Scott
Staff Present: Mary Paxton, Abraham Prado, William Avera, Steve Wittry, and Stephanie Atigh.

APPROVAL OF MINUTES: None submitted

COMMUNICATIONS FROM THE PUBLIC: None

CONSENT CALENDAR: None

OLD BUSINESS: None

PUBLIC HEARINGS:

1. Tentative Map No. 2009-2/Conditional Use Permit No. 2009-01/Site and Architectural Review No 2009-6. - Filed by Marilyn Ferreira Real Estate, Inc./Miller Homes, Inc. for a planned unit development and a tentative map to subdivide a 24.40 acre lot into 166 lots in a R3. (Medium Density Residential) Zoning District and S&A approval for a community center. Said property is located on Airline HWY; being more specifically described as Assessor's Parcel Numbers 20-22-19,21,23,25,26 and 20-29-34,36,37 and 57-15-15-16-17-18-19 and 20. CEQA: Mitigated Negative Declaration. (Continued Public Hearing from June 24, 2009)

Commissioner Torres abstained due to prior business dealings with the developer and his employer. Commissioner Huboi and Alvarez stated they had discussions with the applicant regarding the project.

Mary Paxton provided a staff report.

Open Public Hearing 6:25 p.m.

Persons Providing Testimony:

Marty Miller
Anne Hall
Richard Ferreira
George Anderson
Cliff Cardoza
Tom King

Closed Public Hearing 6:56 p.m.

ACTION: Commissioner Ross made a motion to approve Resolution PC2009-13 determining the Mitigated Negative Declaration was adequate. Alvarez seconded. Motion carried 3-1-1. Commissioner Ross made a motion to approve Resolution PC2009-14 approving Tentative Map 2009-2. With changes to conditions as described in the memo provided by Mary Paxton Dated July 16th 2009. (Attached) Alvarez seconded. Motion carried 3-1-1. Commissioner Ross made a motion to approve Resolution PC2009-15 approving Conditional Use Permit 2009-1. Alvarez seconded. Motion carried 3-1-1. Commissioner Ross made a motion to approve Resolution PC2009-16 approving Site and Architectural 2009-6. Alvarez seconded. Motion carried 3-1-1.

2. **Tentative Map No. 2009-04** - Filed by South County Housing, requesting approval to subdivide a 4.23 acre site into 25 lots for self help residential dwelling units with a .29 acre remainder parcel in an R-1- L/PZ (low Density Residential Performance Overlay) Zoning District. Said property is located on Buena Vista Road; being more specifically described as Assessor's Parcel No.052-32-007. CEQA: Mitigated Negative Declaration. Abraham provided an oral report.

Open Public Hearing 7:18

Persons Providing Testimony:
Andy Lief

Closed Public Hearing 7:35 p.m.

ACTION: Commissioner Torres made a motion to approve the Resolution PC2009-17 approving the Mitigated Negative Declaration as presented and approve Resolution PC 2009-18 approving Tentative Map 2009-4 with conditions as presented. Alvarez Seconded; Motion carried 4-0-0.

NEW BUSINESS: None

PLANNING DEPARTMENT REPORTS: None

CITY ATTORNEY REPORT: None

PLANNING COMMISSION REPORTS: None

ADJOURNMENT:

<p>ACTION: Commissioner Alvarez made a motion to adjourn the meeting at 7:48 p.m. Commissioner Torres seconded. Motion carried 4-0-0.</p>
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Chairman of the Planning Commission
of the City of Hollister

ATTEST:

William B. Avera, Secretary

M E M O - D E V E L O P M E N T
S E R V I C E S

DATE: JULY 16, 2009
TO: Planning Commission
FROM: Mary M. Paxton, Planning Manager
RE: Sliver Oaks (TM 2009-2, CUP 2009-1, S&A 2009-6)

RECOMMENDED CHANGES TO CONDITIONS IN THE DRAFT RESOLUTION FOR
TENATIVEM MAP 2009-2

- 22 Non-vehicular access strip: The subdivider shall dedicate a one-foot non vehicular access strip along Valley View Road and State Highway 25 (Airline Highway property frontages; including returns, as well as along all streets terminating at a project boundary or at any phase line ~~except that the east side of lot 163 may be used for temporary construction access from Valleyview Road for all construction phases. The temporary access shall include a "tire wash" or "wheel wash" or other sediment and erosion control feature at a stabilized access point between the all weather roads on the project site and Valleyview Road in order to remove sediment from tires and under carriages so that sediment and mud is not tracked onto the streets. Please contact the City Engineering Department to obtain sections of the City BMP manual.~~
- 31 Solid Waste: Demolition: Prior to recordation of the final map, the subdivider shall prepare a solid waste diversion plan for demolition of existing structures and construction of ~~the residences~~ **residents**. The subdivider shall submit documentation that 50% of the construction or demolition waste was diverted in compliance with Chapter 15.04.045 of the City of Hollister Municipal Code.
- 36 Storm Water Management Quality: The property owner/development shall prepare a drainage plan that complies with the City of Hollister Best Management Practices and standards established for compliance with Non-Point Discharge Emissions for Storm Water and Low Impact Development practices shall be included in the improvement plans for drainage and grading and designed to comply with section 17.16.140 Storm Water Management of the Hollister Municipal Code. The approved plan shall substantially detain storm water runoff on the project site with a combination of methods including

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detention ponds, permeable paving, landscaping and other strategies.

- 40 ~~Improvements Prior to Occupancy:~~ In order to assure adequate access for
Delete emergency response vehicles and water for fire suppression, the issuance of any
– building permit shall be subject to the requirements of City Council Resolution
same 95-08, A Resolution of the City Council of the City of Hollister Establishing a
at 17 Policy Relating to Home Construction in Incomplete Subdivisions or any
subsequent policy. No certificate of occupancy shall be issued for any unit
prior to completion of such improvements.
41. Noise Reduction required: An air conditioning system shall be installed on the second floor for any two-story structure constructed on lots 88-~~97~~ **and 147** through ~~157~~ **154** to reduce noise from automobile traffic on Airline Highway (State Highway 25). The air conditioning systems shall be placed on the buildings in a location that will minimize noise to adjoining residences.
43. Final Occupancy Inspection for residential units: A final occupancy shall not be granted for any residential units unless the Building Inspector can verify the following:
- a. The water conditioning system that has been installed is a City-approved system that can be regenerated offsite and will not discharge waste or waste products into the City's sewage system.
 - b. Radio Read Meters: Prior to final occupancy of ~~each~~ **all** buildings, the applicant shall install new Radio Read Meters. For details, contact the Lead Water Operator with the Sunnyslope County Water District at (831) 637-4670.
 - c. All urinals and commodes in all buildings shall be low-flush models using a maximum 1.6 gpf/6Lpf (1.6 gallons per flush/6 Liters per flush).
 - d. City fees: The subdivider ~~must pay~~ **has paid** all fees due the City, including all fees required by reimbursable agreements, drainage agreements and ~~school impact fees~~, improvement plan checking fees and inspection fees as well as any applicable development impact fees pursuant to the Public Works Master plan. Unless otherwise required by law, all school impact fees shall be paid at the time of building permit issuance. ~~The school fees must be paid at the time building permit is issued.~~ The impacts fees shall be based on the rates in effect at the time TM 2009-2 was deemed complete and as adjusted by **inflation and** the Performance Agreement attached to this resolution. The subdivider shall also be responsible for paying the fiscal neutrality fees and county fees specified in the attached performance agreement.
46. Mello-Roos: Prior to recordation of the final map or for any phase thereof, the entire subdivision project shall be included within the boundaries of the

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communities facilities district #2 formed pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (California Government Code 53311 et seq.) and be subject to a special tax levied there under. The special tax shall be in an amount not to exceed \$358.00 ~~and this amount has been updated with the annual CPI per unit per year~~ subject to an annual increase in accordance with the designated consumer price index as of February 1 of each year. The subdivider shall cooperate with the City to accomplish the inclusion of the subdivision in the community facilities district, either through annexation to an existing district or through the formation of a new district. Such cooperation shall include, but not be limited to, executing and filing with the City Clerk, in a form acceptable to the City Attorney, any approval, consent or waiver required by the City in order to expedite the inclusion of the subdivision in such a district.

Mitigation Monitoring

47. The subdivider shall comply with all requirements of the approved mitigation and monitoring program for the project (see Exhibit 3).
54. **Biological Resources:** The improvement plans for the subdivision and that are submitted to the City Engineering Department or Sunnyslope County Water District shall illustrate the location of all existing trees, the existing barn and the oak trees proposed to be retained on the approved TM 2009-1. The improvement plans shall illustrate to scale the drip line of the oak trees proposed to be retained. The improvement plans, grading plans or similar construction plans shall include the following construction notes.

Note 2: Prior to any tree removal or demolition of the barn:

- a. The site shall be surveyed by a qualified bat ecologist prior to removal of any trees and the barn to determine if bats are present at the site. If bats are found present, the biologist shall recommend measures to exclude bats prior to removal of known bat ~~roosts~~ **roosts**. The biologist shall obtain a Memorandum of Understanding with the California Department of Fish and Game for possible handling and removal of sensitive bat species.
- b. Removal of existing trees, ground striping and grading for construction shall be scheduled to occur from August 1 to February 1, which is outside the bird-breeding season. If this is not practical, then the subdivider shall hire a qualified biologist to survey the trees to be removed for nesting birds, including common nesting raptors (e.g. red-tailed hawk) and migratory birds. The nesting bird survey shall be conducted no more than thirty (30) days prior to any ground disturbance or tree removal. If nesting birds protected by state or federal laws are observed within three hundred feet of the development area, the biologist shall ~~recommended~~ an appropriate buffer area around the next where no construction will take place until the biologist confirms all young have fledged.

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PHASE 3

61. Phase 3 improvements: The subdivider shall dedicate, improve, and guarantee by an approved bond for the following road improvements for Phase 3:
- c. Construction of new perimeter fencing on the west boundary of lots 81 through 87 and any portion of lot 88 that does not have an acoustic sound wall, the north boundary of lot 81, the north and east boundary of lot 80 and the northwesterly boundary of lots 59 to 64.

**RECOMMENDED CHANGES TO CONDITIONS IN THE DRAFT RESOLUTION FOR
SITE AND ARCHITECTURAL REVIEW 2009-6**

- 29 The property owner/development shall prepare a drainage plan that complies with the City of Hollister Best Management Practices and standards established for compliance with Non-Point Discharge Emissions for Storm Water and Low Impact Development in section 17.16.140 Storm Water Management of the Hollister Municipal Code. The approved plan shall substantially detain storm water runoff on the project site with a combination of methods including detention ponds, permeable paving, landscaping and other strategies.
37. No buildings, trees, ~~bushes~~, other structures or materials shall be placed within ten feet (10') of the meters, water lines or sanitary sewer connections and laterals.
- 36 All sanitary sewer and water service lines shall be a minimum of C-900-only.
- 52 i. Concurrent with any planned development application, a noise analysis shall be submitted to evaluate the expected noise levels along Airline Highway that may impact the residential units. The analysis shall identify noise mitigation measures that shall be incorporated into the project design. (Monitor: Applicant and City Community Development Department)
- j. ~~Concurrent with any planned development application, a noise analysis shall be submitted to evaluate the expected noise levels along Airline Highway that may impact the residential units. The analysis shall identify noise mitigation measures that shall be incorporated into the project design. (Monitor: Applicant and City Community Development Department)~~

Exhibit 3

Development Services Department

ADDENDUM

Mitigation Measures and Monitoring Program
Annotti Rezoning/Prezoning No. 98-1/LAFCO Annexation Request 2000-390

(Additions are shown in ***bold italics*** and deletions are shown in ~~strikethrough~~)

Note: The Community Development Department is now the Development Services Department.

1. All buildings will be required to conform to building standards as set forth in the California Uniform Building Code. (Monitoring: Applicant and City Community Development Department building division)
2. Prior to site construction the applicant prepare a soils report and erosion control plan in conjunction with a grading plan prior to construction activities. (Monitoring: Applicant and City of Hollister City Engineer.)
3. The plans for the project shall include a soils report which will contain recommendations of a soils engineer to prevent erosion and to address unstable or expansive soils conditions if they exist. (Monitoring: City Community Development Department and City Engineer)
4. Applicant must provide drainage plans and install proper drainage infrastructure to handle surface runoff. (Monitoring: Applicant and City of Hollister City Engineer.)
5. A condition of approval will require the applicant to provide a plan for dust control and noise reduction prior to commencement of construction (Monitoring: Applicant and city of Hollister Engineering Department).
6. The project proponent shall dedicate and widening the Valley View Road frontage, to allow for a full 60-foot City standard right-of-way, including curbs, gutters and sidewalk along the east property frontage. (Monitoring: City Community Development Department and City Engineer)
7. At the time of the submittal of plans for planned development application review, a pedestrian/sidewalk plan shall be submitted for review for consistency with City standards and ADA requirements. (Monitoring: City Community Development Department and City Engineer)
8. Concurrent with any planned development application, a noise analysis shall be submitted to evaluate the expected noise levels along Airline Highway that may impact the residential units. The analysis shall identify noise mitigation measures that shall be incorporated into the project design. (Monitoring: Applicant and City Community Development Department)
9. The project shall be required to provide additional revenues to the City to provide for the adequate funding for required fire service. (Monitor: Applicant and City Council)
10. The project shall be designed to ensure that adequate fire suppression infrastructure is in place, including adequate water service. (Monitor: Applicant and City Fire Department)
11. The project shall be required to provide additional revenues to the City to provide for the adequate funding for police service. (Monitor: Applicant and City Council)

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12. Prior to planned development application approval, the project proponent shall receive a service availability letter from SCWD. (Monitor: Applicant, Community Development Department, SCWD)
13. *No permits or other entitlements for this project will be approved by the City of Hollister until such time as services are available to serve the new development and the Regional Water Quality Cease and Desist Order is lifted.* Concurrent with the submittal of a planned development application, information shall be provided for review by the City Engineer that demonstrates that the sewer system design is adequate to serve the site and is designed to meet City standards. In addition, the City shall ensure that there is adequate capacity at the city treatment plant to serve the site. (Monitor: Applicant, City Engineer)
14. Concurrent with the submittal of a planned development application, information shall be provided for review by the City Engineer that demonstrates that the storm sewer system design is adequate to serve the site and is designed to meet City standards. (Monitor: Applicant, City Engineer)
15. In that the sanitary project sewer and storm transmission lines will be connected to existing lines in the Highway 25 right-of-way, the project proponent will be required to obtain an encroachment permit from CALTRANS prior to commencing any line construction. The project proponent shall be responsible to meet all filing requirements that may be set by CALTRANS, including the funding of any subsequent environmental reviews. (Monitor: Applicant, City Engineer, CALTRANS)
16. Prior to submittal of any development application, the applicant or project proponent shall conduct a biological survey of the development site. A report on the findings of the biological survey shall be provided concurrent with the filing of any development application. Any findings of impacts or potential impacts to any endangered or threatened species shall be mitigated in accordance with State Fish and Game protocol and regulations. (Monitor: Applicant, City of Hollister)

Revised September 6, 2005